

REMARKS

Claims 1-22 are pending in the application. No new matter has been added.

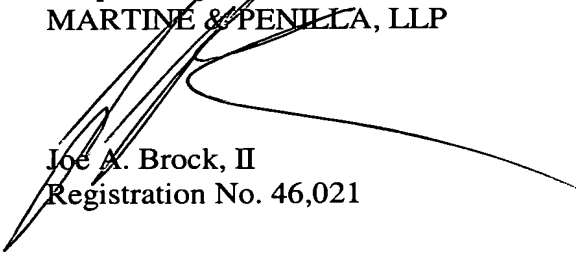
Claims 1-22 were provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over the outstanding claims of co-pending application No. 09/699,287 ('287 application). Applicant respectfully traverses. The current assignee of the '287 application is Strasbaugh. The attorney for the Applicant has contacted the attorney handling the Strasbaugh '287 application to discover the nature of the claimed '287 application. The claims of the '287 application are directed to a gimbal polishing pad for a subaperture polishing application.

Not define over art
A subaperture polishing application is completely different from the CMP operations and applications utilized in the claimed invention. As is well known to those skilled in the art, a subaperture polishing application, utilizes a polishing pad that is much smaller than the wafer the polishing pad is polishing. The polishing pad is lowered onto the surface of a wafer that is positioned on a carrier head below the polishing pad. The claims of the '287 application are directed to the gimbal carrier for the above described subaperture polishing polishing pad application.

*Presumably
was held up
But clearly
reaction of*
In contrast, the claims of the present application are directed to a projected gimbal point drive system for use with a wafer carrier head. The projected gimbal point drive system is utilized on the wafer carrier, which lowers a wafer onto a polishing pad. This is a very different application than that claimed in the '287 application. Accordingly, independent claim 1-22 are submitted to be patentable under the judicially created doctrine of obvious-type double patenting over the outstanding claims of the co-pending '287 application.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-34, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6900 x6920. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. LAM2P228). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE & PENILLA, LLP



Joe A. Brock, II
Registration No. 46,021

710 Lakeway Drive, Suite 170
Sunnyvale, California 94085
Telephone: (408) 749-6900
Customer Number 25,920